

Town Council Approved Minutes September 4 , 2013 BM

TOWN OF NEWMARKET, NEW HAMPSHIRE
TOWN COUNCIL BUSINESS MEETING
SEPTEMBER 4, 2013
COUNCIL CHAMBERS

PRESENT:

Council Chairman Gary Levy, Council Vice Chairman John Bentley, Councilor Dan Wright, Councilor Phil Nazzaro, Councilor Larry Pickering, Councilor Dale Pike

Town Administrator Steve Fournier

EXCUSED: Councilor Ed Carmichael

Council Chairman Levy opened the meeting at 7:00 p.m., followed by the Pledge of Allegiance.

PUBLIC FORUM

Bert Allen of Smith Garrison Road distributed a 2 page paper on the endangered New England cottontail rabbit and the consideration of selling acreage at the Manchester Water Works for non-profit conservation land. He spoke about his concern about the rabbits being displaced, as they needed a habitat of fields, not forests, to survive. He was concerned that land set aside for conservation was not being maintained, and forests were not being thinned on a regular basis. He was also concerned about the loss of tax revenue from conservation land. He also spoke about the adverse effect that falling leaves and pine needles have on the nitrogen level in Great Bay. He thought that Newmarket needed a policy and a wood lot manager. Town Administrator Fournier said the Conservation Committee does cut timber, as a source of its revenue, but he will check with the Committee to find out when the timber was last cut and inform the Council.

The Public Forum was closed at 7:20.

TOWN COUNCIL TO CONSIDER ACCEPTANCE OF MINUTES: August 21, 2013 Workshop

Council Vice Chairman Bentley moved to accept the minutes of the August 21, 2013 Workshop. Councilor Pike seconded.

Discussion: Council Chairman Levy asked that the phrase, "but the state did not approve those options" be struck from the minutes at the end of the sentence beginning, "The Council had discussed cost-saving options..." on page 7 of the packet. He said this was not stated at the meeting, and he was not aware if the Feds had weighed in on the options. Also, on page 8 of the packet, under Fiscal Year 2013, the minutes stated, "That would leave about \$1.2M for town meeting to expend...". He felt that was inaccurate as it is up to the Council to decide how to handle the surplus. He felt that should be changed.

Town Administrator Fournier polled the Council. Motion carried 5 – 0 – 1, with Councilor Nazzaro abstaining as he had not attended the meeting.

REPORT OF THE TOWN ADMINISTRATOR

The Town has to complete a statistical revaluation every 5 years and Newmarket will go through the process in 2014. The FY 14 budget included \$40,000 in a capital reserve fund toward the estimated cost of between \$75,000 and \$125,000. Town Administrator Fournier will prepare an RFP to have exact figures for the FY15 budget.

In response to Council request, Town Administrator Fournier had looked at town property that potentially could be sold as surplus. Of the 101 properties the town owns, 72 are town buildings, recreation or conservation land or right of ways, leaving 29 properties that could be considered surplus and perhaps sold. Two of the 29 properties have buildings: the Wilson Farm and the 4J Bass Street condominium that had been taken for taxes. There were 21 small lots on or near Lita Lane that had been taken for taxes in the 1990s, and 6 lots that were recently deeded from Shearwater Development. He intended to place the Council discussion of determining which properties could be sold on the next workshop agenda, and would recommend hiring a realtor to market the properties. He had already planned to do this for the condominium. Councilor Nazzaro said he was under the impression that there was a systematic way, such as going out to bid, that the town had to go about selling properties that had been taken for taxes. He said the Council had past discussions about this, and he was sure that the 1990s Council had also. He said they had voted on the process, and was surprised that the properties were still on the books. Town Administrator Fournier said some had probably fallen through the cracks, and that recently the law had been changed to allow towns to hire realtors in certain situations. Previously, property could only be sold by auction or sealed bid. Councilor Pickering asked when the Council would have an ordinance allowing the Council to hire a realtor. Town Administrator Fournier said he had prepared an ordinance, but was waiting for the Council's decision on the land before presenting it.

Council Vice Chairman Bentley said he had the first version of the list of town-owned properties, but thought he had read that the Rousseau property at 67 Packers Falls was under recreation, which it was. He said they then had more than 2 properties with building. The original intent in purchasing this property was to attach it to the Loisele property and use it for recreation fields, etc., but no work had ever been done, and the property had been rented. He thought that the property was going to be sold, and he knew someone was living there. Town Administrator Fournier said he would find out if the records had not been updated. The property was in the tax records as 67R Packers Falls Road, map 1, lot 20. Town Administrator Fournier said the land value was only \$92,000, so he didn't believe there was a house on the property. Councilor Wright asked what types of property could be sold through a realtor. Town Administrator Fournier said that the state now allowed the legislative body, the Council, to adopt an ordinance authorizing the Town Administrator to recommend selling. However, they would still have to know when the property was tax deeded and follow the time table for selling.

Council Chairman Levy said he thought the property tax deeded from Shearwater was 1 lot rather than 6, and that it was appraised at \$30,000, essentially what they paid for it in the 80s. He asked if the appraisal of \$30,000 was for 1 or 6 lots. Town Administrator Fournier said the lots were all in the same area, and were lot 58, and divided into sub-lots 7, 8, 9, 10, 11 and 12. Council Chairman Levy asked for more detail on the salability of the property, which Town Administrator Fournier will have for the workshop. Council Chairman Levy asked if there would be an RFP for using a realtor, and Town Administrator Fournier said there would be. Councilor Pickering said he realized that many had questioned the high sale price of the Wilson property, and noted that since the house was burned down the previous year, the site value had dropped to \$164,000. Council Vice Chairman Bentley said the house had been broken into and there were other issues including patrolling the property. The Council had done a site walk before its vote to burn down the house. Council Chairman Levy noted the property still had an outbuilding and a business selling tickets for tours.

In response to Budget Committee discussions, Town Administrator Fournier had prepared guidelines and an application for organizations requesting social service grants from the town. The Committee was concerned that the organizations might not be true non-profits and felt their contributions to the town should be reviewed. Towns are not allowed to make general charitable donations to private organizations unless it can be shown that the organizations benefit the town. The town has some ability to enforce the benefit. The organizations often provide services that the towns would otherwise have to provide. To a question from a previous meeting about the waterfront sign complying with town sign policy, Town Administrator Fournier said that it did, even though the town was exempt from the regulation. The School Board had invited the Town Council and Budget Committee to a meeting on September 30th for an informal discussion on using Compressed Natural Gas (CNG) in vehicles. Many municipalities were using CNG as it is less expensive and burns cleaner than other fuels.

Town Administrator Fournier said the the new auditing firm had wrapped up its work and he had met with the team leader, who reported that everything looked great. He said he could see that there had been past issues, but they were gone. The firm was going to recommend that they continue to develop and implement new policies and procedures. He said this was a preliminary report, and the final written report should be complete in a few months. Council Chairman Levy, referring to the list of town properties, asked Town Administrator Fournier if he thought the listed values were accurate. He replied that these were assessed values for town/tax purposes, which was different from sales value.

Council Chairman Levy pointed to the listed Shearwater values of \$51,000, \$72,000, \$45,000, \$47,000, \$32,000 and \$69,000, and said this was far different from the \$30,000 appraisal that was done when the town received the land back. He said he knew there was a difference between assessed and appraised value, but felt the figures should be closer, and questioned their accuracy. Town Administrator Fournier said the figures were for tax purposes and he didn't even know if the lots had road frontage, so the values could actually be lower. He said this was another reason to hire a realtor to give them the market side of value.

OLD BUSINESS

Ordinances and Resolutions in the 2nd Reading

RESOLUTION #2013/2014 – 12 Withdrawal of an Amount Not to Exceed \$8,000 from the Building Improvements Capital Reserve Fund for the Purpose of Replacing Carpeting

Council Vice Chairman Bentley moved to adopt Resolution #2013/2014 – 12 Withdrawal of an amount not to exceed \$8,000 from the Building Capital Reserve Fund for the purpose of replacing carpeting. Councilor Pike seconded.

Discussion: Councilor Nazzaro said usually the amount in the Capital Reserve Fund is included with the request, but it was missing. He asked the amount in the fund. Interim Finance Director Matt Angell said the fund currently has \$324,548. Council Chairman Levy said the resolution did not state the name of company, and Town Administrator Fournier said the lowest bidder was Cadieux. Council Chairman Levy asked why sometimes the name of company is included in a resolution and sometimes is not. Town Administrator Fournier explained that the amount to be expended was within his authority limits and he had seen the bids. The resolution was for the Council to give him the authority to withdraw the funds. He said the name could be included, but if something happened, he would have to come back to the Council with another name. They will use carpet tiles, and he will order extras. Councilor Pickering asked if the Fund was broken down by items. Mr. Angell said it was a general fund of money set aside for projects that needed to be done. Town Administrator Fournier added that the fund could also be used to pay for amounts not covered by insurance, in case of damage.

Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

RESOLUTION #2013/2014 – 13 Awarding #2 Heating Oil, Liquid Propane, Regular Gasoline, and clear Diesel Contracts

Council Vice Chairman Bentley read Resolution #2013/2014 – 13 Awarding #2 heating oil, liquid propane, regular gasoline and clear diesel contracts, and so moved. Councilor Nazzaro seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed unanimously, 6 – 0. Council Chairman Levy asked if the discussion on CNG would have any impact on this decision, but Town Administrator said that CNG was way down the line.

RESOLUTION #2013/2014 – 14 Agreement with Wright-Pierce for Engineering Services for the Upgrade of the Waste Water Treatment Facility

Council Vice Chairman Bentley moved to accept Resolution #2013/2014-14 Agreement with Wright-Pierce for engineering services for the upgrade of the wastewater treatment plant. Councilor Pike seconded.

Discussion: Council Chairman Levy asked if the Town Attorney had reviewed the contract. Town Administrator Fournier said he was in the process of reviewing it, and it wouldn't be signed until he was through. Council Vice Chairman Bentley commended the process that had been followed and all who had contributed.

Town Administrator Fournier polled the Council. Motion carried unanimously, 6 – 0.

Items Laid on the Table

RESOLUTION #2012/2013 – 63 Acceptance of a Grant from the Conservation Law Foundation and Authorization of the Town Administrator to Enter into Engineering Contract for the Lamprey River Macallen Dam Removal Feasibility and Impact Analysis (Tabled July 10, 2013) (Revised) (Tabled August 7, 2013)

Council Chairman Levy moved to remove Resolution #2012/2013 – 63, acceptance of a grant from the Conservation Law Foundation and authorization of the Town Administrator to enter into and engineering contract for the Lamprey River Macallen Dam removal feasibility and impact analysis, from the table. Council Vice Chairman Bentley seconded. Town Administrator Fournier polled the Council. Motion passed unanimously, 6 – 0.

The Council had asked Town Administrator Fournier to consult the Town Attorney and DRA about whether the 2007 Capital Reserve Fund could be used for the town's share of the study. Town Administrator Fournier said DRA only reviews appropriations not expenditures. However, DRA reviewed the Fund with the Town Attorney and agreed with him that it was permissible to use the Fund for that part of the study which concerns the removal. The study will also cover other options, such as reducing the level of the headwalls to allow more water to flow through. DES is not allowing the dam to be rebuilt as it presently is, so the options are either removing or altering the dam. DES only allows draw down of the water in the fall, and he had informed Durham of the possibility that this would be done. He added that if the draw down was not done this fall, the town would lose the grant.

Councilor Pike asked about DES not allowing the dam to remain at the same height. Town Administrator Fournier read from the DES letter that stated the dam had inadequate spillway capacity. Councilor Pike said he remembered the earlier discussion, and felt some thought there might be other ways to correct the problem. Town Planner Diane Hardy said the dam capacity had to be increased to the 100 year flood level, and Wright Pierce had determined that figure. The firm had presented 7 alternatives at the June 19th Council meeting, and they had been discussed. Gomez and Sullivan, who are being proposed for this next study, were also in attendance at the meeting, and have been looking at some of the alternatives that were presented. She said the study was not just on removal of the dam, but also to look at modifications that would address the issues in the deficit letter. She added that the town had to comply with the letter as it was an administrative order. Councilor Pike said he didn't think anyone had proposed yet a solution that would leave the dam at its present height, but he didn't think that searching for such a solution had been taken off the table yet. Town Administrator Fournier said the status quo alternative had been eliminated. Councilor Pike said that on June 19th it didn't sound as if people had given up on the idea.

Ms. Hardy read the list of the 7 alternatives. One, to increase the spillway length, had been eliminated. Lowering the crest elevation, at a potential cost of \$1.1M was the second. The third alternative was to lower the crest elevation and increase the spillway length. The fourth, which was also ruled out, was to raise the abutment and increase the spillway length. The fifth alternative was to raise the west abutment and lower the crest elevation, and the sixth was to raise the west abutment, lower the crest elevation and increase its length. The seventh and last alternative was to raise the abutment, lower the crest elevation, increase its length and add a 3 foot tall crest gate. In addition, there were other alternatives proposed by those in attendance at the meeting. Councilor Pike said that he remembered Leo Filion speaking about boards, and someone else talking about a solution to have the water flow under Route 108 when it is raised, but he didn't feel that the consideration of maintaining the dam at its present height had been eliminated. Ms. Hardy said that maintaining the dam at status quo was not an option from her understanding of what DES had said.

Council Vice Chairman Bentley remembered asking Mr. Malasky about pulling the flash boards out before the hurricane, and why that wouldn't still be an option. Mr. Malasky had said that he and some others in the department were capable of doing this. Council Vice Chairman Bentley asked why they had to lower the dam, as it had been done 2 years earlier. Town Administrator Fournier said they had to realize that the proposed study would be to begin gathering data to point out actual options, but would not give them a final answer. He said they were even close to a final answer. Of all the options they had been given, they did not have the engineering studies to back up their actual options. Council Vice Chairman Bentley said they had paid someone two years prior to lower the dam and take pictures, etc., and asked if they were going to do the same thing again. Town Administrator Fournier said they would use the data from the previous study. Council Vice Chairman Bentley asked why the water had to be lowered this fall. Ms. Hardy said pictures would be taken again as part of the project to look at the infrastructure of the dam. This would be paid for by the grant and town funds. The study would also include sediment evaluations, and other key factors that would rely on the reservoir being lowered. This would be necessary for either dam removal or dam modifications. She said they would be looking at alternatives so that they would have good data to make informed decisions when a future environmental impact study was done. To Council Vice Chairman Bentley's question, she said they would not be paying more for the study than they originally said they were going to pay. The grant was for \$40,000 and the town's share had been \$45,000. The scope of the work had been scaled down from what the Committee first envisioned because there was not enough money. Council Chairman Levy added that the \$45,000 had not been encumbered, through no fault of the present administration, so the

town's share was now to come from the Capital Reserve Fund.

Councilor Nazzaro asked about Ms. Hardy's statement that Gomez and Sullivan had begun looking at alternatives. She said the firm, at its cost, had looked at one of the alternatives and started to evaluate it. Town Administrator Fournier said that this had also happened with the engineering firm for the wastewater treatment plant. Ms. Hardy said that opening up the flood gates, which had worked successfully in the recent past, was not considered an acceptable option by DES, which was looking for an engineering solution. Councilor Nazzaro said that Gomez and Sullivan had stated in its scope of work that there were really only 2 alternatives, remove the dame or reduce the height by 8 to 10 feet, whereas the Wright Pierce study had listed 5 alternatives. He said the Council needed to have a discussion on all the options, rather than Gomez and Sullivan presupposing what the Council's decision would be. He said one of the most important things was the social issues and the potential impact on residents of the community as a whole, as the Lamprey River was a focal point for the community. He said those issues were only a tiny piece of the scope of work in the proposed study. He felt they needed to know not just the physical impact of each option, but also the socio-economic impact and that was something they should be having a discussion on. Town Administrator Fournier said the socio-economic affect would a huge part of the research they would have to do, as either option would impact a great number of people.

Council Chairman Levy said he had gone back to the June 19th meeting, and page 65 spoke about social issues. He said the way he read the proposal, it basically stated the issues of recreational and property value impacts or socio-economic or political impacts of dam removal would not be addressed. He asked why these would not be a part of the Gomez and Sullivan study as they seemed to be quite important issues. The proposed study went on the say there would be 6 progress report meetings and 3 public meetings to get public input and answer questions. He said he had no problem doing the study, but wondered if for \$80,000 they should tweak the Gomez and Sullivan report so that it was more germane to the issues that were on peoples' minds. He was concerned that they could spend a lot of money getting a plan, only to have people go wild. Town Administrator Fournier and Ms. Hardy said they were not at the stage for a plan as this would be a study of the options. Ms. Hardy said a study of social/recreational impacts could easily cost \$80,000. She thought the original proposal was in the range of \$165,000. She said they could have surveys done over a 12 to 18 month time period just on the social/recreational impacts and they could cost over \$100,000. She said the study was in part to educate the public, so there could be a good basis of discussion on the issues. She told Council Chairman Levy that he was absolutely right in saying these were concerns of the public.

Councilor Pike remembered there had been some talk at the June 19th meeting about meeting with Durham and other towns. Town Administrator Fournier said only Durham was mentioned at the meeting, but they would begin to have discussions once the process started. Ms. Hardy said they had been in touch with town officials from Durham, but Newmarket had experienced some time delays, so more in-depth discussions had not started and wouldn't until there was an approved contract. Councilor Pike asked if they had any idea of what the impoundment would add to the assessed value of the existing property, and what would be the impact on taxes. Ms. Hardy said the study would be the first step in looking at those issues. Councilor Nazzaro said he would like to see what the whole process was, including assessing what they would do with the dam and a timeline for the full scope of the project. He said he could not see how this study as a first step would fit into the entire project. He felt he could make a much more informed decision about the study if he was given the full scope of the project.

Ms. Hardy said the data from this study should lead to a work plan on how to proceed with the alternatives. She said the procedures were clearly spelled out in state and federal laws on removal of dams. She said the idea was to provide as much information as possible so they could identify areas for which they needed more information and where they wanted to focus their efforts. Councilor Nazzaro said he would not vote in favor of a study which would only focus on 2 of the 5 alternatives in its scope of work. Town Administrator Fournier said it seems that everyone wants a conclusion from this study, but that would cost a lot more money than the town presently has. He said the reason they were bringing up the study now was so they did not lose the \$40,000 grant. He said they could look at the study as the executive summary which looks at the overall view of the problem and its options. In mentioning only 2 options in the scope of work, Ms. Hardy did not believe they were eliminating others, but generalizing the options. Town Administrator Fournier said if the Council wanted to amend the scope of services, they could remove the 8 to 10 foot lowering in the second part and he could negotiate for other options. Ms. Hardy said she felt Gomez and Sullivan were willing to look at other options. Town Administrator Fournier said if they wanted to make a change he felt they could add that dam removal and dam modification scenarios would not be the only 2 alternatives considered. Council Chairman Levy asked how that would impact the rest of the study. Town Administrator Fournier said that was a good question, but if the Council wanted to table the resolution it could, but the clock was ticking and they had had this item for a while. He said he did not have all the information the Council wanted.

Ms. Hardy felt they had to illustrate to DRA that they were making a good faith effort toward resolving the issues in the 2008 and updated 2010 letters of deficit. She felt that going ahead with the study would do this. Council Vice Chairman

Bentley asked if the final decision on the dam would go to the voters, and who would ultimately decide what would be done. Town Administrator Fournier said that since the town would have to borrow money for any of the options, the voters would make the decision, but that was way down the road. Council Vice Chairman Bentley said he appreciated all the work Ms. Hardy had done to get the grant, but to Councilor Nazzaro's point, the town was also spending \$40,000 and could forward to spending more after this study was done. He said that at the June 19th meeting, someone who proposed removing the dam, not a staff member, had said that after dam removal some property values go up. However, Council Vice Chairman Bentley said they would get less tax revenue from everyone living on the river. He said there would also be fewer recreational opportunities for those coming into town, which would have an adverse impact on local businesses. He said he knew that they had to do what DES had said, but he was concerned about the town money that would have to be spent after this study. Councilor Pickering agreed, and asked what they needed to do to comply with the warrant article. Ms. Hardy said the warrant article very specific, and it was to look at the impact of removing the dam as a solution to reducing the town's flooding problem. Town Administrator Fournier said the grant was for looking at removal, and the town money was for all the other options. Ms. Hardy said the study would look at complete removal, but all the other modifications included partial removal. Council Vice Chairman Bentley felt that part of the problem was that only the word removal was being used, and townspeople felt a decision had already been made. Town Administrator Fournier said they could amend the resolution and eliminate the word "removal."

Councilor Pike said if it was the Council's decision that it needed to make steps toward a solution, and they were not repeating work that had been done, rather this was new work that needed to be done, then he thought they should use the value of the grant money and go ahead with the study. However, he did not think they had made a decision to give up the idea of looking for an alternative that would keep the dam at its present height. He said he would be comfortable going ahead with the study if this was new work. Councilor Wright said they didn't have a lot of options; basically they could remove, rebuild or modify the dam. He said he would like to start the grant process and lower the water for the study. Council Chairman Levy said he agreed with both Councilors Pike and Wright that they should not lose the grant money. He asked Ms. Hardy if she felt they could get more bang for their buck if the scope of the Gomez and Sullivan study was refocused. Ms. Hardy said she did not think the study could be refocused, because the grant was based on the scope of services delineated in the proposal, to remove or modify the dam, which the RFP clearly stated. Council Chairman Levy asked if the grant was for both options. Ms. Hardy replied the grant was for both and for the whole project. She said findings would be helpful in the future because anything using federal funds required archeological and cultural resource studies among others. Council Chairman Levy said he hoped that Gomez and Sullivan would look into more than 2 options in the scope of work if it seemed they had merit.

Councilor Nazzaro said he knew they had to comply with DES and do something to prevent harm to people and property, but he was not willing to spend \$40,000 of taxpayers' money if it was not clear what the end result would be or how this was a step toward an end result. Ms. Hardy said this was a step in gathering information necessary for the town to make an informed decision. Councilor Nazzaro said that page 2 of the scope of work only mentioned one modification, that of lowering the spillway by 8 to 10 feet, and not the other alternatives in the Wright Pierce report. He said he felt for them to make an informed decision, they needed to know the feasibility of all the alternatives. He also felt residents would ask why they spent money looking at only 2 of the alternatives and not the others. He said he would rather spend more than the \$80,000 they had to get all the information at the same time, rather than having to lower the water again the following fall to get the rest of the data. He said he had heard over and over from residents that all the Council does is spend money for studies, but there is no clear direction or progress from the studies. He said that no matter what the final decision would be, they should see the steps necessary to reach a decision. He said he would like to see a timeline or at least a list of the activities. Council Chairman Levy asked Ms. Hardy if the Committee or one of the engineering firms had a roadmap that spelled out the steps in the process and could make it available to the Council. He said he felt they were piecemealing the process for lack of funds, so he looked at this as the first step. He added that it would be helpful to have the other steps, so they knew where they were in the process.

Councilor Nazzaro said he hated to take money out of a capital reserve fund with no assurance that they would be where they had to be at the end of step one. He asked about the RFP, and Ms. Hardy said they spent about 7 months preparing the RFP, and 5 proposals had been submitted and rated on a matrix. The Committee unanimously agreed that Gomez and Sullivan was the most qualified firm. Then the Committee had to negotiate the price and scope of work down from the \$165,000 original price. The Committee had been formed in 2010 and held public input sessions as part of the lengthy process. Councilor Pickering said there was a lot of talk around town about the dam, and he agreed with Councilor Nazzaro that they needed a footprint and needed to know how many more steps would be required in the process. He thought they should start the process. Council Chairman Levy asked, at the conclusion of the vote, that the Council ask the Town Administrator and Town Planner to get a roadmap of the process from the Committee. He felt they needed to see where they were going, and he felt the process seemed a little out of sync because of having to ad lib around the warrant article issue. Ms. Hardy said they could put together a timeline.

Councilor Pike said that none of the alternatives that tried to preserve the dam height sounded practical or feasible at the

June meeting. He felt they did not need more engineering studies around those alternatives, but there were other ideas expressed at the meeting that could perhaps be looked out outside the engineering process. He said he would like to see more public input and meetings with Durham, because he did not think people were ready to give on impoundment. Town Administrator Fournier said there were 3 public meetings scheduled as part of the scope. Ms. Hardy said the end date of the grant is April, 2014, and the program is shutting down. Councilor Nazzaro said they should start planning for dam expenditures during the coming budget process, and begin putting funds away in either operations or a capital reserve fund. He said they were basically emptying the capital reserve fund to accomplish this step of the process. He said if the scope of work in the study could be modified to include the other options that Wright Pierce said could be feasible, then he could vote for the resolution. However, they were voting on accepting the grant, not the scope of work. Ms. Hardy said they were voting on both because they were authorizing the Town Administrator to also enter into a contract.

Council Chairman Levy asked Bill of Wright Pierce if he could speak on the feasibility of the options, and Councilor Nazzaro said some might be feasible but more expensive. Bill felt that Gomez and Sullivan had chosen the most practical and probable alternative to removing the dam. He said that dam removal was complex, expensive and had many regulatory requirements, requiring engineering, environmental, socio-economic studies. He said this study was one of many steps that would be taken, but it was a critical next step in getting information they would need for a decision. Councilor Nazzaro asked what criteria he was using to define probable. Bill said that Ryan, the project manager, had shown them every conceivable solution to passing the flow that DES was mandating. Just increasing the length of the spillway to meet the mandate would require much more space than was available, so it was not practical. The project manager had looked at other ways to increase the spillway by changing the shape of the dam to increase the surface, but there were financial constraints to most of these options. He said that there would be impacts upstream from either of the options. Bill felt that Gomez and Sullivan, with their experience, had chosen the 2 options that would be the most practical to implement, and the study would advance the ball quite a bit. He said he was sure that Gomez and Sullivan could put together a flow chart to show where the town was in the process. Councilor Nazzaro said he was concerned that when the study came back and when other steps were taken, there could be a different Council. He said the study, by just considering 2 options, would bind a new Council to thinking those were the only 2 options available. He felt they were inadvertently limiting future conversations to only 2 options. Council Chairman Levy said that was why he felt it would be helpful to get the rest of the phases, and some of the other alternatives might not be as feasible or practical. Councilor Nazzaro said that was up to the Council to decide, not Gomez and Sullivan. Council Chairman Levy said that this study could be labeled on the timeline, which would be given to new Councilors so they would know where they were in the process.

Council Chairman Levy asked if he had to read the whole resolution, and Town Administrator Fournier said he did not, adding that a motion to accept had been made, but not voted on, at a previous meeting prior to the resolution being tabled. Council Chairman Levy read the title of Resolution #2012/2013 – 63: Acceptance of a Grant from the Conservation Law Foundation and Authorization of the Town Administrator to Enter into an Engineering Contract for the Lamprey River Macallen Dam Removal Feasibility and Impact Analysis. Councilor Pike seconded. Council Vice Chairman Bentley thought in the future they should amend the title to include removal and modification, because the word removal was upsetting people. However, modification is within the scope of work.

Town Administrator Fournier polled the Council. Motion passed 4 – 2, with Councilor Nazzaro and Council Vice Chairman Bentley voting against.

NEW BUSINESS/CORRESPONDENCE

Town Council to Consider Nominations, Appointments and Elections

CIP COMMITTEE REPS

Budget Committee – Judy Ryan

Council Vice Chairman Bentley moved to accept Judy Ryan as Budget Committee Representative to the CIP. Councilor Pike seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed unanimously, 6 – 0.

Budget Committee Alternate- Dana Glennon

Council Vice Chairman Bentley moved to accept Dana Glennon as Alternate Budget Committee Representative to the CIP. Councilor Pike seconded. Discussion: Councilor Pickering said he had never heard of having an alternate from the Budget Committee, but he had from the Planning Board. Town Administrator Fournier said it was in the ordinance, and if the representative cannot attend a meeting, the alternate sits in. He said that Councilor Nazzaro was the Council's representative, and Councilor Carmichael the alternate. Councilor Nazzaro said he was not aware of the appointment. Town Administrator Fournier said that in re-reading the ordinance, he had found that the Budget Committee recommends the representatives, but the Council has to approve them. Town Administrator Fournier polled the Council. Motion passed unanimously, 6 – 0.

Planning Board – Jane Ford

Council Vice Chairman Bentley moved to nominate Jane Ford as a member of the Planning Board to the CIP. Councilor Pike seconded. There was no discussion. Town Administrator Fournier polled the Council. Motion passed unanimously, 6 – 0.

Planning Board Alternate – Elizabeth Dudley

Council Vice Chairman Bentley moved to nominate Elizabeth Dudley as a member of the Planning Board as an alternate to the CIP. Councilor Pike seconded. There was no discussion. Town Administrator Fournier polled the Council. There was no discussion. Motion passed unanimously, 6 – 0.

Ordinances/Resolutions in the 1st Reading

RESOLUTION #2013/2014 – 16 Approval of 2013 MS – 5 Financial Report: Council Chairman Levy read the resolution in full.

RESOLUTION #2013/2014 -17 Authorizing the Town Administrator to Execute a Reciprocal Easement Agreement between the Town of Newmarket and Newmarket Mills LLC: Council Chairman Levy read the resolution in full.

RESOLUTION #2013/2014 – 18 Increase of Sewer Rates: Council Chairman Levy read the resolution in full.

Town Administrator Fournier requested that they suspend the rules and vote on the resolution at the meeting. Council Vice Chairman Bentley moved to suspend the rules. Councilor Pike seconded. Discussion: Town Administrator Fournier said there was a typo in the last resolution that set the rate at \$7.74. However, the grant money had not been applied to that rate. Once applied, the rate dropped to \$7.46.

Council Chairman Levy moved to approve the resolution as read. Council Vice Chairman seconded. Discussion: Councilor Nazzaro asked if they could vote retroactively to raise rates, because the rates were effective on the 1st, but the vote would be on the 4th. Town Administrator Fournier said they were voting to decrease rates, and they were being decreased from \$7.74 to \$7.46. Town Administrator Fournier polled the Council. Motion passed unanimously, 6 – 0.

RESOLUTION #2013/2014 – 19 Adopting the Revised Personnel Policy: Council Chairman Levy read the resolution in full. He asked the Town Administrator if he was looking at any of the recommendations the Council had made, such as holding benefits for a new employee for the first 90 days of employment. Town Administrator Fournier recommended that if a change was substantive, they not bring it up at the 2nd reading meeting, but prepare an amendment for a later time. He said the example that Council Chairman Levy had mentioned could be discussed at the meeting. Overall, he felt it was more important to have the updated policy in effect.

CLOSING COMMENTS BY TOWN COUNCILORS

Council Vice Chairman Bentley updated the Council on the progress of choosing a location for the Carl Gilbert monument, which the family was providing. Mr. Gilbert had served on the School Board and Board of Selectmen and was a Police Officer. The Gilbert family had looked at 4 sites and chosen a spot on the River Walk on Mr. Chinberg's property. The monument will be a granite bench with a dedication plaque or carving. The family had asked with help for possible assistance when the bench is unloaded, and Town Administrator Fournier will make that possible.

Councilor Pickering said one of the Council's goals had been to look into contracting services, such as snow plowing, and had tentatively put the subject on an agenda for August. He asked when the Council would get the information. Town Administrator Fournier said that would be brought up in the budget process, and he was close to finalizing the figures for plowing, but still had to get some information for other services. Councilor Pickering asked for a brief update on the discussion a previous Council had about replacing windows in Town Hall. He said it didn't make any sense to him to fill up the oil tanks only to have the heat go out the windows. He thought maybe they could get into a program to replace 6 a year. Council Vice Chairman Bentley said they had not replaced all the windows because the payback period was 70 years. He had thought they didn't need to replace all of the windows because the cost was about \$367,000, but could replace some, because it didn't make sense to lose heat. Councilor Pickering said that with \$348,000 in the Building Fund, maybe they could put this on a future agenda for discussion. Town Administrator Fournier said the town would only have to cover the costs for the floors it occupies, and the School would have to cover any windows it wanted replaced. He said he could get proposals for costs. Council Chairman Levy asked about the insulation in the building, and said that replacing windows was probably the least efficient way to save heat. Town Administrator Fournier said it wasn't just energy conservation, but there were safety issues because some of the windows would not open. He said he could put a recommendation on an agenda after he had a chance to do research. Council Chairman Levy thought they should look at having an overall energy program for Town Hall.

Councilor Nazzaro asked if the MS-5 report would be in the next packet, and if they could also have a graphic of the easement. He said that he was the Council Rep to the CIP, but was finding conflicts with his schedule. However, he said he would make himself as available as possible.

Councilor Wright publically thanked the Fire and Rescue team of Heidi Chase, Bob Daigle, Zoe Frolking, Dan Kelley and Sarah Lamb and the Newmarket Police Department, who had provided assistance for his family in an emergency. He said his family thanked them sincerely.

Council Vice Chairman Bentley moved to adjourn, and Councilor Nazzaro seconded. Motion carried unanimously and the meeting adjourned at 8:56 p.m.

Respectfully submitted,

Ellen Adlington, Recording Secretary